IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.317 OF 2006
WITH
CIVIL APPLICATION NO.403 OF 2006
IN
APPEAL FROM ORDER NO.317 OF 2006

Bandra Maitra Kunj Co-operative Housing Society Limited & Ors. ...Appellants
Versus
Major Emmanuel Ruben Samson & Ors. ...Respondents

With
APPEAL FROM ORDER NO.318 OF 2006
WITH
CIVIL APPLICATION NO.404 OF 2006
IN
APPEAL FROM ORDER NO.318 OF 2006

Bandra Maitra Kunj Co-operative Housing Society Limited & Ors. ...Appellants
Versus
Major Emmanuel Ruben Samson & Ors. ...Respondents

With
APPEAL FROM ORDER NO.195 OF 2004
WITH
CIVIL APPLICATION NO.262 OF 2004
IN
APPEAL FROM ORDER NO.195 OF 2004

Salim Akbar Lalani ...Appellant
Versus
Bandra Maitra Kunj Co-operative Housing Society Limited & Ors. ...Respondents

Shri Birendra Saraf for the Appellant in Appeal From Order No.195 of 2004.

CORAM : ABHAY S.OKA, J.
DATED : APRIL 03, 2007.

P.C.:

1. Heard Shri Saraf, learned counsel appearing for

the Appellant in Appeal From Order No.195 of 2004. He has invited my attention to order dated 09th March, 2007 passed by this Court. He states that in compliance with the order, the Appellant in Appeal From Order No.195 of 2004 has filed an undertaking in this Court. In the undertaking the Appellant has stated thus:

> "2. I say that I shall carry out/complete the construction in question in accordance with the sanctioned plan dated 10th October, 2005. I confirm that such construction shall be at my risk and shall be subject to the outcome of the City Civil Court Suit No.4711 of 2003. I confirm that I shall not claim any equities in this behalf at a later date.
>
> 3. I undertake to this Hon'ble Court that if so directed by the City Civi Court, I shall demolish/remove the construction in dispute as may be required by the City Civil Court".

The said undertaking of the Appellant in Appeal From Order No.195 of 2004 is accepted.

2. In view of the acceptance of the undertaking and what is observed in order dated 09th March, 2007, Appeals are required to be disposed of without passing any further order. Hence, the Appeals are disposed of in terms of order dated 09th March, 2007 passed by this Court. It is made clear that all the contentions of the parties in the pending suit are expressly kept open and the suits will be decided on its own merits in accordance with law uninfluenced by any of the observations made in the impugned Judgment. All pending Civl Applications are also disposed of.

JUDGE